REMARKS/ARGUMENTS

The Applicant acknowledges, with thanks, the office action dated June 16, 2008. This amendment is responsive to the June 16, 2008 Office Action.

By this amendment, independent claims 1 and 9 have been amended. The amended subject matter is not new matter as it is disclosed in paragraph 33 of the original specification. The independent claims, and where appropriate dependent claims, were also amended to clarify which entity is the server and which entity is the peer. Reconsideration of this application as amended is requested.

Substance of Interview

The applicant would like to thank the examiner for the personal interview granted on 20 August 2008. Attending the interview were the examiner, Suman Debnath, and Larry B. Donovan (applicant's representative). No exhibits were shown or demonstrations conducted. Claim 1 was discussed and compared and contrasted with EAP-TTLS Internet Draft (Funk). No agreement was reached. The general outcome is provided on the Interview Summary completed by the examiner.

Prior Art Matters

Claims 1-16, 26, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Paul Funk; Simon Blake-Wilson; "draft-ietf-pppext-ttls-02.txt: EAP Tunneled TLS Authentication Protocol (EAP-TTLS)"; Internet-Draft PPPEXT Working Group; Nov. 2002, pp. 1-40 (*hereinafter*, "Funk") in view of U.S. Patent Publication No. 2003/0226017 to Palekar et al. (*hereinafter*, "Palekar"). Withdrawal of these rejections is requested for reasons that will be set forth herein.

By way of review, independent claim 1 recites a method comprising establishing a first secure tunnel between a server and peer, and authenticating the peer within the tunnel. Upon successfully authenticating the peer, the peer is provided with authentication credentials. Upon providing the authentication credentials, the server signals the peer with an authentication failure and denies access to the peer until the peer successfully authentications (by way of a second authentication protocol) using the authentication credentials provided within the first secure

tunnel. As noted in paragraph 17 of the specification, the ultimate goal is enable network access for a peer. This is accomplished by first using a provisioning protocol that comprises establishing a first tunnel, authenticating within the first tunnel, and then providing (provisioning) the peer with the authentication credentials for accessing the network. Once the provisioning protocol has completed, access to the network is denied until the peer performs an authentication using the provisioned authentication credentials. Independent claim 9 recites an implementation for implementing the method of independent claim 1.

By contrast, Funk uses EAP-TTLS to gain access to the network. Once a successful authentication has occurred, keys are distributed and a session is initiated between the client and the network. Funk does not signal an authentication failure to the peer and otherwise deny the peer access to the network until a successful authentication (using a second protocol) is performed using the secure credential provisioned in the first secure tunnel.

The aforementioned deficiencies in Funk are not remedied by any teaching of Palekar. Palekar is directed to Transport Layer Security (TLS) tunneling. This enables parties to authenticate within a secure tunnel. The method in Palekar comprises (1) exchange of hello messages and agree on algorithms; (2) exchange of cryptographic parameters; (3) exchange of certificates; (4) generate master secret from 'pre-master' secret; (5) provision parameters (not credentials); and (6) verify both endpoints calculated the same parameters. Palekar, like Funk does not signal an authentication failure to the peer and otherwise deny the peer access to the network until a successful authentication (using a second protocol) is performed using the secure credential provisioned in the first secure tunnel.
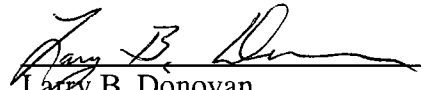
Thus, for the reasons just set forth, Funk and Palekar, alone or in combination, do not teach or suggest each and every element of independent claims 1 and 9; consequently independent claims 1 and 9 are not obvious in view of Funk and/or Palekar. Claims 26 and 10-16 directly depend from claim 9 and thus contain each and every element of claim 9 and therefore are not anticipated nor obvious in view of the cited prior art for the same reasons set forth for claim 9. Claims 2-8 directly depend from claim 1 and thus contain each and every element of claim 1 and therefore are not anticipated nor obvious in view of the cited prior art for the same reasons set forth for claim 1.

Conclusion

Withdrawal of the rejection to this application is requested for the reasons set forth herein and a Notice of Allowance is earnestly solicited. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/00006.

Respectfully submitted,

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